



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/824,290

04/14/2004

C. Todd Praisner

014033-000123

6053

69603

7590

07/07/2009

MOORE & VAN ALLEN, PLLC FOR BOFA  
430 DAVIS DRIVE, SUITE 500  
POST OFFICE BOX 13706  
RESEARCH TRIANGLE PARK, NC 27709

EXAMINER

SHAIKH, MOHAMMAD Z

ART UNIT

PAPER NUMBER

3696

MAIL DATE

DELIVERY MODE

07/07/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                       |  |  |
|------------------------------|---------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/824,290  | <b>Applicant(s)</b><br>PRAISNER, C. TODD |  |
|                              | <b>Examiner</b><br>MOHAMMAD Z. SHAIKH | <b>Art Unit</b><br>3696                  |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Office Action is in response to and AMENDMENT entered on 05/14/09 for patent application 10,824,290.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Status of Claims***

3. Claims 1-6 are pending in this application.

### ***Claim Rejections- 35 U.S.C § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6 are being rejected under 35 U.S.C 103(a) as being unpatentable over US Patent 7,395,241 to Cook et al, herein Cook in view of US 2003/0018563 to Kilgour et al, herein Kilgour.

Regarding claim 1, Cook discloses a method for pushing credit payments as buyer initiated transactions, comprising: determining payment instructions for an accounts payable, the accounts payable representing a purchase made by a buyer from a merchant (column 6, lines 40-55); communicating electronically the payment instructions from the buyer to an acquirer (column 29: lines 60-69; column 30: lines 1-

Art Unit: 3696

15). However Cook does not disclose the acquirer being an entity that buys credit card receipts from merchants. Kilgour discloses the acquirer being an entity that buys credit card receipts from merchants ([0060]). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cook's invention to include the acquirer being an entity that buys credit card receipts from merchants. One of ordinary skill in the art would have been motivated to include the acquirer being an entity that buys credit card receipts from merchants in order to ensure that the merchants will not have use up their resources to fund the accounts receivables.

Cook further discloses generating a transaction based upon the payment instructions without the transaction being initiated by the merchant, the transaction representing the buyer initiated payment; and settling the transaction (column 30: lines 1-15).

Regarding claim 2, Cook discloses the method of claim 1, further comprising utilizing merchant profiles to determine whether payment instructions should include a credit payment or a debit payment, wherein the generating of the transaction takes place where the payment instructions include a credit payment and wherein a separate step is used of electronically transferring funds from the buyer to the acquirer where the payment instructions include a debit payment (column 13, lines 46-54).

Regarding claim 3, Cook discloses a system for pushing credit payments as buyer initiated transactions, comprising: a purchasing management system associated with a buyer, the buyer having an accounts payable (column 13, lines 1-14); an acquirer computer system configured to receive electronically payment instructions from the purchasing management system (column 29: lines 60-69; column 30: lines 1-15).

Art Unit: 3696

However Cook does not disclose the computer system being associated with an entity that buys credit card receipts from merchants. Kilgour discloses the computer system being associated with an entity that buys credit card receipts from merchants ([0060]). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cook's invention to include the computer system being associated with an entity that buys credit card receipts from merchants. One of ordinary skill in the art would have been motivated to include the computer system being associated with an entity that buys credit card receipts from merchants in order to ensure that the merchants will not have use up their resources to fund the accounts receivables. Cook further discloses wherein the acquirer computer system is further configured to generate a transaction based upon the payment instructions without the transaction being initiated by a merchant, the credit transaction representing the buyer initiated payment; and wherein the acquirer computer system is further configured to settle the transaction column 29, lines 60-67; column 30: lines 1-15).

Claim 4 is being rejected using the same rationale as claim 2.

Claim 5 is being rejected using the same rationale as claim 1.

Claim 6 is being rejected using the same rationale as claim 2.

### **CONCLUSION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD Z. SHAIKH whose telephone number is (571)270-3444. The examiner can normally be reached on Monday-Friday (7:30-5); alt Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Z. S./  
Examiner, Art Unit 3696  
7/1/2009

Mohammad Z Shaikh  
Examiner  
Art Unit 3696

/THOMAS A DIXON/  
Supervisory Patent Examiner, Art Unit 3696